

Charlottesville Task Force on
Disproportionate Minority Contact
in the Juvenile Justice System
Expanded Executive Summary

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Background

At the request of the Charlottesville City Council, this report was created to examine and explain racial disproportionality and disparities associated with the local juvenile justice system. According to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), *racial disproportionality* refers to one race being over- or under-represented compared to the racial makeup of the whole community. *Racial disparity* is when youth and families in similar situations receive different outcomes based on race. As a result of the request from City Council, a task force consisting of a diverse group of members of the community, key system stakeholders, and people working directly in the juvenile justice system was formed to investigate suspected disproportionality and disparities in the juvenile justice system. A second goal was to summarize evidence-based best practices aimed at reducing racial differences over a sustained period of time. The best practice recommendations in the current report can provide support and guidance for the continued development of new programs in the community, along with the expansion and refinement of current programs aimed at reducing racial inequalities in the local juvenile justice system.

Research from the Office of Juvenile Justice and Delinquency Prevention indicates that disproportionate minority contact (DMC) within the juvenile justice system is a nationwide problem; the City of Charlottesville is no exception. According to the U.S. Census, 51% of Charlottesville youth ages 10-17 are White, 41% are Black, and 8% are of more than one race or of another race. In an earlier report presented to Charlottesville City Council in 2011, minority overrepresentation, specifically for Black youth, was found at nearly each of the decision points in the juvenile justice system (see full report for more detail regarding the 2011 study). As a result, the Charlottesville Task Force on Racial Disparities and Disproportionality was charged by City Council to seek answers to the following key questions. More detailed research questions were identified for specific areas within the juvenile justice system (see full report).

1. What laws influence decisions?
2. What policies influence decisions?
3. Is there disparity by race in decisions?
4. If disparity is found, what is the level or degree of disparity?
5. Who is responsible for decision-making?
6. What is the cause of disparity?

In February 2013, the Task Force identified the following goals for the initiative:

1. Collect and understand the current state of data collection procedures for monitoring Disproportionate Minority Contact (DMC)
2. Examine each step in our local juvenile justice system by analyzing data and conducting interviews to identify factors contributing to DMC
3. Recommend specific policy and practice changes based on the results of data analysis and national, evidence-based best practices
4. Explore and implement new data collection procedures and practices
5. Provide appropriate and sustained training for persons working in the juvenile justice system
6. Enhance protective factors and diversions
7. Reduce disproportionality and disparities over a sustained period using a systematic approach

The Task Force implemented a strategic three-step approach. First, key stakeholders working within the juvenile justice system were identified and approached to be interviewed about their experiences and opinions regarding local disproportionate minority contact. People working in nearly every capacity of the juvenile system were interviewed for this initiative, including police officers, commonwealth's attorneys, defense attorneys, court services personnel, and judges. Next, local data on *de-identified* juvenile records was gathered from the Charlottesville Police Department and the Virginia Department of Juvenile Justice. This data was analyzed to have a clearer understanding of the extent of disparity and disproportionality in the juvenile justice system and to target specific areas for improvement that will foster sustainable change. And finally, multiple community engagement forums were held both to inform the community of the current initiative and to also solicit active ideas and solutions to racial differences seen in the juvenile system. Members of the Task Force also conducted focus groups with a small number (14) of juveniles. However, this work was not done or observed by the researchers, but rather by interested members of the Task Force; therefore it is not included in this report. The results of the focus groups are reported in Appendix E of the full report.

Summary of Findings from Interviews

1. Professional stakeholders were hesitant to acknowledge the existence of racial disparities during interviews. However, the majority of professional stakeholders recognized that Black youth enter the system in higher numbers than White youth. Others reported that in their experience, there have been no differences with respect to the way Black youth are treated within the juvenile justice system.

2. No participants explicitly stated that individual behavior or overt bias against Black youth could be an explanation for why racial disproportionality and/or disparity exist. Nevertheless, participants did not *deny* that racial differences exist in the juvenile justice system and were prone to fault policies and procedures as responsible for these differences rather than individuals.
3. When asked to provide an opinion about why racial differences might exist, participants described a number of circumstances including:
 - a. Real differences in opportunity and stress based on racial and economic disparity:
 - i. Economic disadvantage; and
 - ii. Family and parenting stresses: some opinions expressed in this section may reflect a view that Black families experience difficulties more often.
 - b. Bias and discrimination:
 - i. Unconscious bias in working with Black and White youth; and
 - ii. Residents being more likely to report perceived misbehavior of Black youth.

Summary of Findings from Data Analyses

1. Overall, juvenile arrests for criminal offenses in the City of Charlottesville are down 70 – 80% from 2000 – 2001 levels according to the Virginia Department of Criminal Justice Services.
2. Based on all data from multiple sources, Black youth were substantially overrepresented at the referral for intake stage based on what would be expected given the percentage of Black youth living in the City of Charlottesville.
3. Black youth were much more likely to be arrested as a result of a call for service from a resident than from an officer-initiated arrest. Results from the Stop and Frisk data were consistent with this trend suggesting that residents in the community are more likely to call the police about Black youth compared to White youth.
4. Black youth were more likely, compared to White youth, to have multiple referrals for intake and multiple arrests. This smaller group of youth (68 of 311) with multiple arrests and intakes, account for a substantial number, more than half (52%), of intakes filed over a 3.5 year period.
5. Black and White youth differ substantially with regard to the types of offenses they are being charged with at referral. Specifically, at referral for intake, Black youth are more likely to be charged with crimes against persons (both felony and misdemeanors), more likely to be charged with failure to appear in court or contempt of court, and much more likely to receive a referral for a probation violation. White youth were more likely to be referred to intake for a drug or alcohol related charge.

6. Although many more Black youth are referred into the system, Black and White youth were equally likely to receive a similar outcome after cases were matched for offense severity or charge that was referred at intake. In other words, Black and White youth charged with the same crime were likely to receive similar consequences.
7. Although more Black youth were stopped in the community for questioning by police, only 17 stops involving 36 youth total were reported over a 1-year span and Black youth were not more likely to be arrested as a result of being stopped by the police compared to White youth. The amount of data collected is limited, which may be a reflection of implementation issues associated with this new reporting procedure. The stops reported are centered in three geographic areas and, as a result, there were some concerns that underreporting could have been an issue or that police officers were simply unfamiliar with the new policy in place over the 1st year of data collection.
8. While more Black youth have received probation as the result of an offense and have been detained prior to adjudication, Black youth charged with similar offenses as compared with White Youth are not more likely to receive probation or be detained prior to their court hearing compared to White youth.

Summary of Community Forum Meetings

1. Community attendance and feedback was encouraging as more than 200 residents in 4 separate communities actively participated in the forums.
2. Each of the community meetings had its own unique contribution, but common themes regarding disproportionate minority contact did emerge. Below are some of those themes discussed at the meetings:
 - a. Unequal treatment by police
 - b. Increased access to service providers in the community
 - c. Increased access to information on *how* to navigate the juvenile justice system
 - d. A need for support in navigating the juvenile justice system
 - e. Neighborhood peer support networks were suggested and endorsed
 - f. Lack of engagement and of fair treatment in the City school system
 - g. Parenting issues and supervision of youth

Task Force Recommendations

The following recommendations result from the Task Force’s examination of best practices and are based on the information available to the DMC Task Force. Because DMC is a multi-faceted problem, these recommendations address a broad scope of identified issues.

Summary of Proposed Recommendations	
Recommendation 1:	<i>Training</i> for police, youth, and juvenile justice professionals on disproportionate minority contact, and ways to reduce it.
Recommendation 2:	Provide greater <i>delinquency prevention and system support</i> to families and youth.
Recommendation 3:	<i>Continue the DMC Task Force</i> with the charge to monitor, report and make recommendations to continue reducing DMC in the juvenile justice system in Charlottesville on an ongoing basis.
Recommendation 4:	<i>Evaluate</i> formal and informal <i>policies</i> that contribute to DMC
Recommendation 5:	<i>Support the School Board</i> in continuing to implement policies and programs to reduce the occurrence of disproportionately in suspensions, school-based arrests, and referrals.

Recommendation 1: Training to Reduce DMC

The Task Force proposes training for the police, juvenile justice professionals and youth in the community on disproportionate minority contact and ways to reduce it.

Police Training and Implementation

Ongoing training should be provided to police officers in order to improve their interactions with youth. Training should include regularly scheduled follow-up sessions (for example, small group meetings to reflect on experiences and ways to implement training recommendations). Among the programs reviewed is the [Strategies for Youth Training Program](#). Furthermore, in order to address community members' concerns, the Task Force advocates for the adoption of a protocol for police interactions with youth.

Proposed Implementers: Charlottesville Police Department, City Council, City Manager, DMC Task Force

Youth Education

The Task Force proposes training for youth on interacting with the police. An example of this type of training is the [Juvenile Justice Jeopardy Program](#).

Proposed Implementers: JustChildren, Community Attention, Boys and Girls Club, Charlottesville City Schools

Juvenile Justice Practitioners' Training The Task Force proposes training for all juvenile justice staff. Possible training programs include Strategies for Youth, Cultural Differences for Law Enforcement/Juvenile Justice Practitioners, and Strategic Training Initiative in Community Supervision.

Proposed Implementers: Court Services, Community Attention, Charlottesville Police Department, Commonwealth's Attorney's Office, Public Defender Officer, other designated service providers

Recommendation 2: Delinquency Prevention & System Support for Youth and Their Families

Evidence suggests that providing families with social support and education may reduce the number of youth entering the system and contribute to better outcomes for justice involved youth. The Task Force recommends that any City funds saved from arresting and detaining fewer youth be reinvested in order to support prevention services and family support programs and that additional funding, if available, be dedicated to the following.

Delinquency Prevention The Task Force advocates for increased access and utilization of parental education and support, including culturally focused programming

Proposed Implementers: DMC Task Force and Community Partners (e.g., Region Ten, CYFS, City of Promise, etc.)

Support for Navigating the System The Juvenile Court Guide should be updated and reprinted in both English and Spanish

The Task Force proposes the development of a well-coordinated peer-to-peer network with peer support providers to assist families navigating the system. Existing staff may be used to enroll and train peer advocates. Compensation should be provided for those that are a part of the peer-to-peer network.

Proposed Implementers: Charlottesville Human Services, DMC Task Force, Partnership of Peer Network, Community Attention

Recommendation 3: Continue the DMC Task Force

The work of the DMC Task Force should continue beyond the delivery of this report. The Task Force should continue to monitor, report, and make recommendations in order to continue reducing DMC in the juvenile justice system in Charlottesville on an ongoing basis.

On-going Community Dialogue The Task Force should ensure on-going community dialogue about DMC issues to ensure improvements/needs are communicated through a contract with a community-based organization. This organization would provide outreach services in connection with reporting back to the community regarding the findings, recommendations and continued work of the DMC Task Force.

Proposed Implementers: DMC Task Force and Community-based organizations

Additional Data Collection & Analysis The Task Force advocates for the additional collection and analysis of relevant DMC data. This would include school-based referrals to the court system, and interactions, both positive and negative, between the police and community members, particularly for youth.

The Task Force also proposes to work with the Court Services Unit to determine available data collection and reporting options to facilitate ongoing monitoring of DMC in intake, referrals to court, and probation and parole violations.

Proposed Implementers: Charlottesville Police Department, Court Services Unit, DMC Task Force

Review Gaps Analyses Existing gaps analyses should be reviewed in order to better understand the unmet needs of youth in the areas of mentoring, mental health, and substance abuse.

Proposed Implementers: DMC Task Force, Charlottesville Human Services

Memorandum of Agreement Regarding Data Collection A memorandum of agreement should be established among stakeholders with respect to the regular gathering and reporting of DMC data.

Proposed Implementers: Charlottesville City Manager, Virginia Department of Juvenile Justice, Charlottesville Police Department, and Charlottesville City Attorney's Office.

Recommendation 4: Evaluate Formal and Informal Policies that Contribute to DMC.

The Task Force proposes to work with stakeholders to identify, analyze, and make recommendations regarding formal and informal policies and procedures that contribute to DMC.

Review Current Policies & Procedures

Current policies and procedures that may contribute to DMC should be reviewed. These include:

- probation violations and diversion decisions
- the "co-defendant rule" whereby a youth with no prior record, who is arrested with other youth(s) who are repeat offenders, is treated as though (s)he has a prior record by the court.
- the influence of family and household members' criminal records on risk-assessment decisions to determine if this is not warranted
- the contact made with parents and youth regarding court appearances

Best practices regarding electronic monitoring should be reviewed.

The impact of overrides on the detention of youth should continue to be examined and monitored.

Proposed Implementers: Court Services Unit, Charlottesville Police Department, Community Attention, Judges, attorneys, parents, community members, youth advocates, service providers

Encourage Transparency

Written standards regarding discretionary decision-making at intake, diversion, and detention stages are encouraged in order to increase transparency.

Increased transparency of the results of all police complaints is encouraged.

Proposed Implementers: Court Services Unit, Judges, DMC Task Force, Charlottesville Police Department, Charlottesville City Attorney

Gap Analysis of Diversion Programs

A gaps analysis of diversion programs is proposed, which will enable the Task Force to make recommendations in order to incorporate best practices that will minimize DMC. An example would be the use of restorative justice practices.

Proposed Implementer: Charlottesville Human Services, DMC Task Force

Recommendation 5: Support for the School Board in Continuing to Reduce Disproportionality in School-Based Discipline

The Task Force proposes to support the Charlottesville City School Board in continuing to implement policies and programs to reduce the occurrence of disproportionality in suspensions, school-based arrests, and referrals.

Behavioral Interventions Schools should expand the use of and continue with fidelity Positive Behavioral Interventions and Supports (PBIS) and restorative justice practices in order to reduce the need for suspensions, referrals, and school based-arrests.

Proposed Implementers: Charlottesville School Board and School Personnel

Professional Development Schools should continue to enhance professional development opportunities for teachers with programs that will both improve academic achievement as well as eliminate the racial discipline gap.

Proposed Implementers: Charlottesville City Schools

Educational Programming The Task Force supports the use of disparity-reducing educational programming. For example, the [Check and Connect Program](#) is currently in use and it is designed to decrease truancy petitions.

Proposed Implementers: Community Attention, DMC Task Force, Charlottesville City Schools

Joint Memorandum of Agreement The Task Force proposes the development of a joint Memorandum of Agreement (MOA) between the Charlottesville Police Department and the School Division concerning School Resource Officers (SROs) based upon best practice models that have been shown to reduce disproportionality and minimize referrals to court from the school system.

Proposed Implementers: Charlottesville Police Department and Charlottesville City Schools

Conclusion and Implications

Disproportionate minority contact in the juvenile justice system is a complex and multifaceted issue. A thorough examination of the literature on disproportionate minority contact has concluded that racial disproportionality and disparities are the result of compounding factors that cumulatively contribute to racial differences seen in the system as a whole. Based on the findings in this report, Charlottesville is no exception.

The main conclusion of this report is that Black youth are entering the system in disproportionate numbers compared to their White counterparts. Once youth are involved with the system, the treatment or outcomes they receive is similar with the exception of referrals for probation violations which Black youth were more likely to receive. This disparity within the system was consistent across sources and should be closely monitored moving forward. It is important to note that overall numbers of Black (and White) youth encountering the juvenile justice system are decreasing and quite small. Over 97% of Black youth in Charlottesville have no contact with the juvenile justice system.

The current investigation has revealed that Black youth are entering the system at greater numbers for a variety of reasons. There is no *single* marker of disproportionality that needs to be addressed but rather a number of ways that Black youth enter the system in greater numbers compared to their White counterparts. The cumulative effect of these disproportionate avenues into the system contributes to the *overall* disproportionality of Black youth that exist today and was the genesis for this report. Research from the National Institute of Justice has echoed the same conclusions regarding disproportionate minority contact studied in other localities. Listed above in the data summary are some of the largest contributors of disproportionality that were identified and targeted as areas for improvement. The recommendations brought forth in this report target these areas and incorporate evidence-based practices that have been shown to reduce disproportionate minority contact in other localities.

Another conclusion from this report is the apparent disconnect between the opinions offered by professional stakeholders in the community, perceptions of residents in the community and what the data tell us about disproportionate minority contact in Charlottesville. During the interviews, some stakeholders shared their opinions that minority youth in Charlottesville were treated equitably or

indicated they did not realize there was disproportionality in the system at all. Yet, upon looking at the data its quite clear Black youth are disproportionately represented in the juvenile justice system suggesting a certain amount of implicit bias may be present. Therefore, another conclusion from this initiative is that efforts need to be made to more effectively educate juvenile justice professional stakeholders about DMC locally in a way that does not hold an accusatory tone.

Alternatively, many residents of the community voiced frustration that youth in the community were being profiled and unfairly targeted by law enforcement and the justice system. While the data clearly show that Charlottesville has disproportionate minority contact at the referral stage, the extent or degree of disproportionality does not seem to match the perceptions voiced at the community forums from residents. For example, data over the last year on youth being stopped by police showed only 17 stops total and officer initiated stops were fairly equitable compared to the disproportionality seen in police stops that were called-in from the community. Furthermore, juvenile arrests are down almost 80% compared to 2001, school-based referrals are decreasing, and over 95% of youth in Charlottesville never come into contact with the juvenile justice system. Yet, this message regarding positive gains specifically targeting the prevention of youth becoming involved in the juvenile justice system seems to not be reaching the community in an effective way. Because this topic is so sensitive and emotionally charged, it is crucial that everyone involved support the need for an open exchange and dialogue regarding the current state of how youth interact with the justice system.

One final encouraging conclusion for this report is the engagement of the community as a whole. This report represents a conscious ongoing effort from the community to improve race relations in Charlottesville. This city is unique in that its stakeholders and residents are very committed to helping youth in this community as evidenced by the participation in this initiative. Police officers, judges, local government personnel, parents, commonwealth attorneys and concerned residents have all been *active* participants in this initiative. This is a very encouraging sign for sustainable change and will be instrumental in helping the youth of this community receive fair treatment in the juvenile justice system. Vital to this process is the ongoing efforts and engagement from the community to implement the continued monitoring of DMC and recommendations brought forth in this report. Understanding and communicating these findings to the community and persons actively involved in alleviating racial disproportionalities and disparities will be a rather difficult challenge moving

forward. The Task Force recognizes the difficulty of communicating a complex set of solutions to a seemingly simple problem. In fact, figuring out how to communicate this message to the community and illustrating the impact of the resulting recommendations is probably the most difficult challenge facing the Task Force moving forward. That said, regardless of the causes the Task Force has discovered concerns in several places and conclusively identified best-practice recommendations that are the result of this report's findings and are what has been shown to be effective in other localities. These recommendations and solutions are consistent with the City's ongoing community dialogue regarding race and positively contribute to Charlottesville City Council's mission to provide, "*concrete solutions and paths to action that promote racial reconciliation, economic justice, and equity.*"

ABBREVIATED GLOSSARY OF TERMS IN THIS SUMMARY

Note: A full glossary is included in the full report as Appendix A

Adjudication – The trial; the court hearing to determine whether the defendant is guilty or innocent.

Allegation – A claim that a law has been broken. Police or a community member, including a parent or guardian, can make this statement.

Arrest – Taking a person into custody for the purpose of charging him or her with an offense or starting court proceedings.

Charge – A formal allegation that a person has broken a law or committed an offense.

Commonwealth’s Attorney (also called the Prosecutor) – A lawyer who works for the state and is responsible for presenting the state’s evidence against those who are accused of breaking the law.

Complainant – The person who brings a charge against the defendant.

Complaint – A formal written accusation filed in court charging that an individual committed a specific offense.

Court – A setting in which formal testimony and evidence can be heard before a judge and decisions can be made about cases.

Court Service Unit – A part of the juvenile court system which includes intake, probation, parole supervision, and other services.

Crime – An act in violation of law; also referred to as an offense or delinquency.

Delinquent – An act committed by a juvenile for which an adult could be prosecuted in criminal court.

Department of Juvenile Justice- A branch of the state government that is responsible for community and correctional services for juvenile delinquents.

Detention Assessment Instrument (DAI) - a detention screening tool used by CSU intake officers to guide detention decisions using objective criteria.

Detention Assessment Instrument Overrides Mandatory- The Virginia Department of Juvenile Justice requires that youth be detained in some situations, regardless of the rating. These include: use of firearm in current offense, escape from a secure placement or local court policy

Detention Assessment Instrument Overrides Discretionary- The local Court Service Unit director may override the instrument, regardless of the rating, if s/he finds that there are aggravating or mitigating factors or if there is an approved local graduated sanction for probation/parole violation

Detention Hearing – A hearing before a judge to determine whether a juvenile should be placed in detention, continue to be held in detention, or be released until the next court hearing.

Detention Center – A secure facility where juveniles are held temporarily; a juvenile jail.

Disposition – Sentencing; a court decision on what will happen to a juvenile who has been found guilty.

Divert or Diversion–the handling of a juvenile intake complaint in an informal manner rather than through the official court process. The intake officer must develop a plan for the juvenile that may include counseling, informal supervision, restitution, community service, and other programs. The juvenile and his parents must agree to the diversion plan. By law, the following offenses cannot be diverted: an alleged violent juvenile felony; a complaint after a prior diversion or adjudication on a felony offense; and a second or subsequent truancy complaint.

Felony – A criminal offense which is more serious than a misdemeanor and which can carry more severe penalties.

Hearing – A court proceeding in which charges, evidence, and arguments are heard.

Intake – The first contact with the juvenile justice system in which the referral is reviewed and a decision is made to file a petition for court or divert the case. The Intake Hearing is where an Intake Officer determines that there is probable cause to believe that the juvenile committed an offense and then decides how to handle the case.

Intake Officers – Probation officers who review charges brought against a juvenile and decide how to handle each case.

Juvenile - A person younger than age 18 (in Virginia).

Juvenile Court Judge – The court official who conducts the hearings for a case and makes the final decision as to what will happen. The judge listens to both sides of the story and makes sure that the people in the courtroom follow the rules. The judge decides if a person is guilty or not guilty of the charges. If a person is found guilty, the judge will decide what kind of sentence he or she will get and how long the sentence will last.

Misdemeanor – An offense which is less serious than a felony and carries lesser penalties.

Offense – An act committed in violation of law.

Parole – The court supervision of a juvenile after release from a juvenile correctional facility. Rules are set and must be followed.

Petition – A document filed at court intake alleging that a juvenile is delinquent, a child in need of services or supervision (CHINS), or an abused or neglected child.

Person crimes- Offenses which are committed against an individual with the intent or result of harm to that individual. Misdemeanor person crimes would include assault. Felony person crimes would include malicious wounding, armed robbery, or rape, for example.

Police Officers – A police officer's job is to protect the community. If a juvenile is suspected of breaking the law, a police officer can make an arrest.

Probable Cause – Based on the evidence presented, there is reason to believe that the alleged offense occurred.

Probation – The court supervision of a juvenile found guilty of the charges. Rules are set and must be followed.

Probation Officer – A Department of Juvenile Justice employee who works with juveniles on probation to set rules for their behavior and help them to get services to avoid future legal problems.

Probation Violation – A juvenile's failure to follow the rules of probation, which can result in the juvenile's return to juvenile court.

Stakeholders (Juvenile Justice Professional Stakeholders)- In this report, stakeholders refer to individuals working within the juvenile justice system, including police, prosecutors, defense attorneys, probation officer, and detention facility staff.

Stop without frisk (or stop and question) - police may temporarily stop an individual for questioning if the officer has reasonable suspicion that the person has committed or is about to commit a crime. (Also known as Terry stops)

Stop with frisk- police may temporarily stop an individual for questioning if the officer has reasonable suspicion that the person has committed or is about to commit a crime. The officer may "pat down" the person to determine if there is a weapon present if the officer has a reasonable fear for his or her own or others' safety. (Also known as Terry stops)

Summons – A document requiring a person to appear in court at a specified time to testify.